

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

ABELSON & TRUESDALE LLC

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By: Bruce C. Truesdale, Esq., (BCT 0928)

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Attorney for Debtors

In Re:

ROBERT K. BRYANT

LYNN E. BRYANT

Case No.: 12-33883

Adv. No.: None

Hearing Date: 2/26/2013

Judge: Michael B. Kaplan

OBJECTION TO PROOF OF CLAIM AND

NOTICE OF MORTGAGE PAYMENT CHANGE

Robert K. Bryant and Lynn E. Bryant, the above named debtor[s], objects to the Proof of Claim of CitiMortgage, Inc. as well as the Notice of Mortgage Payment Change filed by CitiMortgage, Inc., filed herein in upon the following grounds:

1. The escrow portion of the mortgage claim is over stated. the CitiMortgage Proof of Claim is attached hereto as Exhibit "A." At page 3, line 13 of part 2 the worksheet states "Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in part 3)." The amount \$631.70 is included at line 13. See Exhibit A at page 3, line 13 of Part 2. The same figure appears as "total escrow shortage" at the bottom of Exhibit A at page 6. At line 2 of Part 3 at page 4 of Exhibit A, 7 payments of \$1,367.07 are entered for an arrearage

of \$9,569.49. These payments include escrow of \$2,904.65 as \$414.95 of each monthly mortgage payment is paid to the escrow account.

2. As the \$671.70 escrow shortage at line 13 of Part 2 at page 3 of the proof of claim indicates that it should not be added to Part 3 if it is part of an installment payment, the \$671.70 amount at line 13 should not have been included in the claim at line 13, Part 3 at page 3 of the Proof of Claim.

3. The Notice of Mortgage Payment change, attached hereto as Exhibit "B," filed on December 7, 2012 indicates a change in escrow payment from \$411.55 to \$802.20, a \$390.65 increase in the monthly mortgage payment.

4. The actual payments from escrow account column at pages 3 and 4 of Exhibit B, indicate payments made from escrow for a forced placed hazard insurance policy of \$989.00 in March of 2012, \$2,821.16 in November of 2012 and another \$2,821.16 in September of 2013. This is a total of \$6,611.32 in hazard insurance payments in an 18 month period for a house valued at under \$120,000.00! Please see pages 3 and 4 of Exhibit B.

5. Additional questions regarding the veracity of the Notice of Mortgage Payment Change and the Proof of Claim are raised by comparing the escrow disclosure statement found at pages 3 and 4 of Exhibit B with the escrow disclosure statement found at pages 6 and 7 of Exhibit A as the entries for many of the same dates are different. As history never changes, the differences in these two "histories" of the same account makes one or both of the histories inaccurate and as a result, the Notice of Mortgage Payment Change as well as the Proof of Claim filed by CitiMortgage, Inc. must likewise be inaccurate. In fact the Notice of Mortgage Payment Change and the Proof of Claim both indicate different monthly mortgage payment amounts to be paid.

6. At page 6 of Exhibit A, the reflected payment from the escrow account in September 2013 is \$969.00. At page three of Exhibit B the payment reflected in September 2013 is \$2,821.16. The entry for November 2012 on page 6 of Exhibit A indicates no payment from escrow. The entry for November 2012 on Exhibit B at page 4 is \$2,821.16. Clearly there can not be contradictory histories of the same account.

7. Finally, my clients have provided me with a letter dated August 16, 2012 from CititMortgage, Inc. indicating that my clients are to make mortgage modification payments of \$1,138.63 each month beginning September 1, 2012, raising further questions regarding the accuracy of both the proof of claim filed by CitiMortgage, Inc. as well as their filed notice of mortgage payment change, and the amount of the monthly mortgage payment the debtors should be making. Please see Exhibit "C" attached.

WHEREFORE, Robert K. Bryant and Lynn E. Bryant, the debtors herein, object to the Proof of claim of CitiMortgage, Inc., claim number 10 on the Claims Register, as well as the CitiMortgage Notice of Mortgage Payment Change, document 24 on the Docket Sheet (the notice of mortgage payment change does not appear on the claims register as it should) and seek a corresponding reduction in the CitiMortgage, Inc. Proof of Claim and Notice of Mortgage Payment Change and for such other relief as is just.

Respectfully submitted,
ABELSON & TRUESDALE, LLC

Dated: January 18, 2013

By:/s/ Bruce C. Truesdale___
Bruce C. Truesdale, Esquire
Attorney for Debtor[s]